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112025-0115REMARKS

This Amendment is in response to the Advisory Action mailed April 30, 2003 and the final Office Action mailed February 6, 2006. The arguments set forth in these Remarks supplement those previously presented. All objections and rejections are respectfully traversed. Reconsideration and further examination of the application, as amended, are respectfully requested.

Claims 1-9 and 11 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,243,756 to Whitmire et al. ("Whitmire"). Claim 10 stands rejected under 35 U.S.C. §103(a) as being obvious over Whitmire in view of U.S. Patent No. 6,092,214 to Quoc et al. ("Quoc"). Claim 11 stands rejected under 35 U.S.C. §103(a) as being obvious over Whitmire.

As set forth above, claims 1 and 9 have been amended to explicitly recite that the multiplexer and the remote monitoring probe of applicants' invention are **separate and remote** from the network switches for which management information is being gathered. Support for the amendments may be found in the specification as originally filed, *inter alia*, at Figs. 3 and 5. No new matter is being added.

Whitmire is patentably distinguishable from the present invention for at least two reasons. First, Whitmire's backplane expansion board (302), which has been equated with applicants' claimed multiplexer, rather than being separate and apart from the network switches as in applicants' claimed invention, is an integral part of Whitmire's network device. Specifically, at Col. 11, lines 16-17, Whitmire explicitly states that the

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backplane expansion board (302) is included in the management repeater (102). This is further confirmed in Fig. 3 of Whitmire, which clearly shows the backplane expansion board (302) **inside** the housing of the management repeater (102). Given that Whitmire clearly discloses its backplane expansion board (302) to be within a repeater (102), a fair and accurate reading of Whitmire cannot support a multiplexer that is separate and remote from the network switches. Whitmire's management repeater (102), moreover, far from being some separate and remote component, is clearly one of the repeaters that make up Whitmire's integrated device. See, for example, Col. 11, lines 43-49, where Whitmire specifically states that the management repeater (102), like the other repeaters, includes at least 24 data ports, such as 10/100 negotiating Ethernet ports.

Second, Whitmire's remote network monitoring (RMON) MIB (1314) is also housed within the management repeater (102), and is thus not separate and apart from the network switches as claimed herein. More specifically, Fig. 13 of Whitmire which is a block diagram of Whitmire's management repeater (102) clearly shows that the RMON (1314) is part of repeater (102). See Col. 22, lines 48-49 (stating that Fig. 13 is a block diagram of the management repeater), and Col. 23, line 58 (stating that the RMON is within the management repeater). Accordingly, a fair and accurate reading of Whitmire cannot support the conclusion that Whitmire discloses a remote monitoring entity that is separate and apart from the network switches being monitored.<sup>1</sup>

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<sup>1</sup> Whitmire's network management station (116) also fails to meet the limitations of applicants' claimed remote entity. Although station (116) appears to be remote from repeaters 102-110, it does not convert port or switch activity-related information into network management-related information. In Whitmire, that conversion process is performed by management agent (1312) and RMON (1314), which Whitmire repeatedly states are internal to management repeater (1314). See Col. 23, lines 37-40 ("The

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Furthermore, applicants' invention, in which the multiplexer and remote monitoring probe are separated and removed from the network switches, provides several advantages over Whitmire. For example, Whitmire's design requires the fabrication of two different types of repeaters. The first type is a standard repeater, such as repeaters 104, 106, 108 and 110) that simply has a plurality of data ports. The second type is a management repeater, such as management repeater 102, that includes a backplane expansion board and a RMON as well as a plurality of data ports. In contrast, with applicants' invention, all of the network switches can and preferably do have the same design. This significantly reduces the switches' complexity, and hence their associated manufacturing costs. It also simplifies network set-up. In particular, with Whitmire, the network administrator must have one management repeater for each set of repeaters, and must also take care to ensure that they are connected in the appropriate manner. With applicant's invention, all of the network switches are the same. Thus, it is a simple matter to connect each of applicants' network switches to the multiplexer.

For the reasons set forth herein, applicants respectfully submit that the present invention is allowable over the art of record, and early favorable action is respectfully requested.

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management agent 1302 accesses, controls and maintains at least one MIB, [such as RMON MIB] which is a database containing information about the elements to managed in the network system 100.") and Fig. 13.

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Respectfully submitted,



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